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January 6, 2017

BY ECF

Honorable Deborah A. Batts
United States District Court
Southern District of New York
500 Pearl Street, #2510
New York, New York 10007

Re: *The Export-Import Bank of the Republic of China v. Democratic Republic of the Congo*, Case No. 16-cv-04480 (DAB)

Dear Judge Batts:

We represent plaintiff The Export-Import Bank of the Republic of China (“Ex-Im Bank”). We write with respect to our motion for default judgment (the “Motion”) against defendant Democratic Republic of the Congo (the “DRC”).

We filed the Motion on November 15, 2016. That same day, we served the Motion on the DRC (by registered mail, return receipt requested).¹ See Dkt Nos. 14-18. Under the loan agreement at issue, service is deemed to have been received thirty days following posting. Thus, pursuant to SDNY Local Civil Rules 6.1 and 6.4 and Federal Rule of Civil Procedure 6, the DRC had until Tuesday, January 3, 2017 to respond to the Motion. The DRC has failed to file a response.

Because the DRC is in default and has failed to respond to the Complaint or any papers filed in the matter (including the Motion), we respectfully request that Your Honor rule on the Motion, entering a default judgment against the DRC in favor of Ex-Im Bank. Should Your Honor have any questions regarding the Motion, we would, of course, be happy to appear at a conference to provide any additional information.

Respectfully submitted,

/s/ Paul E. Summit

Paul E. Summit

cc: Democratic Republic of the Congo (*by Registered Mail, Return Receipt Requested*)
H.E. François Nkuna Balumuene (*by Fedex*)
H.E. Ignance Gata Mavita wa Lufuta (*by Fedex*)

¹ We also sent courtesy copies of the Motion (by certified mail, return receipt requested) to the DRC’s representatives in the United States: H.E. François Nkuna Balumuene, Ambassador of the DRC to the United States, and H.E. Ignance Gata Mavita wa Lufuta, Ambassador and Permanent Representative to the United Nations for the DRC. On November 22, 2016, we received return receipts for the Motion from Ambassador Balumuene and Ambassador Gata Mavita.